

LAURA CURRAN
County Executive



JARED A. KASSCHAU
County Attorney

COUNTY OF NASSAU
OFFICE OF THE COUNTY ATTORNEY

January 28, 2019

VIA ECF
Hon. Sandra J. Feurstein
United States District Court
100 Federal Plaza
Central Islip, New York 11722

Re: Carl Semencic v. County of Nassau, et al.
18-CV-05244 (SJF)(AKT)

Dear Judge Feuerstein:

This office represents defendants The County of Nassau, The Nassau County Police Department, Nassau County Police Commissioner Patrick J. Ryder, Nassau County Police Officer Robert B. McGrory and Nassau County Police Officer Kenneth J. Magnuson (collectively, the "County Defendants") in the above-referenced action, in which plaintiff Carl Semencic ("plaintiff") claims violations of his civil rights in connection with his arrest July 19, 2016 for Menacing in the Second Degree and Criminal Possession of a Weapon. The criminal charges against plaintiff were dismissed on speedy trial grounds on May 21, 2018, after which all records of plaintiff's arrest and prosecution were sealed pursuant to CPL §§ 160.50 and 160.55.

As stated in this morning's telephone conference, the County Defendants require an unsealing order in order to obtain the records of plaintiff's arrest and prosecution in order to evaluate the merits of the case and to prepare their defense. As the Court directed in the conference, the County Defendants have prepared the attached Order to Unseal Records for the Court's signature in order for the records to be released. The County Defendants therefore respectfully request that the Court sign the attached Order so that the relevant records may be released.

As always, the County Defendants thank Your Honor for your attention and consideration in this matter.

Respectfully submitted,

/s/ Ralph J. Reissman
RALPH J. REISSMAN
Deputy County Attorney

cc: All counsel of record

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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

-----X
CARL SEMENCIC,

Plaintiff,

18-CV-05244 (SJF)(AKT)

-against-

ORDER TO UNSEAL RECORDS

THE COUNTY OF NASSAU, THE NASSAU
COUNTY POLICE DEPARTMENT, COMMISSIONER
PATRICK J. RYDER, individually and officially,
POLICE OFFICER ROBERT B. McGRORY,
Individually and officially, POLICE OFFICER
KENNETH J. MAGNUSON, individual and officially,
JOHN DOE #1, individually, THE FRANKLIN
SQUARE AND MUNSON FIRE DEPARTMENT,
DANIEL MALONEY, individually, ROBERT
FINEO, individually, and JOHN DOE #2,
Individually,

Defendants.

-----X
WHEREAS, plaintiff CARL SEMENCIC (“plaintiff”) commenced the within action on
September 18, 2018 against, *inter alia*, The County of Nassau, The Nassau County Police
Department, Nassau County Police Commissioner Patrick J. Ryder, Nassau County Police Officer
Robert B. McGrory and Nassau County Police Officer Kenneth J. Magnuson (collectively, the
“County Defendants”), arising out the arrest of plaintiff on or about July 19, 2016, and

WHEREAS, the Nassau County District Attorney’s Office prosecuted plaintiff under
Docket No. 2016NA020473, and

WHEREAS, the criminal charges filed against plaintiff were dismissed on speedy trial
grounds on or about May 21, 2018, and

WHEREAS, the records relating to the arrest and prosecution of plaintiff have been sealed pursuant to CPL §§ 160.50 and 160.55,

NOW, it is hereby ORDERED that the aforesaid records in the possession of the Nassau County Police Department, the Nassau County District Attorney's Office, the Nassau County District Court, the Nassau County Correctional Center, the County Court of Nassau County, be released to an authorized representative of the Nassau County Attorney's Office, and it is further

ORDERED, that the records to be made available to the Nassau County Attorney's Office comprise all records and papers relating to the arrest of plaintiff in the criminal action identified herein on file with any court, police agency, prosecutor's office or state or local agency that were ordered to be sealed under the provisions of CPL §§ 160.50 and 160.55.

Dated: Central Islip, New York
January ____, 2019

HON. SANDRA J. FEURSETIN, U.S.D.J.